



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#38

In re Patent Application of

) Art Unit: 2822

Shunpei YAMAZAKI et al.

) Examiner: M. Guerrero

Serial No. 09/118,010

)

Filed: July 17, 1998

)

For: SEMICONDUCTOR DEVICE,  
METHOD OF FABRICATING SAME)  
AND ELECTROOPTICAL DEVICE )

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with  
The United States Postal Service with sufficient postage as First  
Class Mail in an envelope addressed to: Commissioner for Patents,  
Washington, D.C. 20231, on Mar 12 2002

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION**

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Honorable Commissioner of Patents

MAR 14 2002

Washington, D.C. 20231

**OFFICE OF PETITIONS**

Sir:

Applicant is in receipt of the *Decision on Petition* mailed February 26, 2002 dismissing Applicant's petition to withdraw this application from issue under 37 CFR §1.313 as moot. The *Decision on Petition* asserts that the issue fee required in the Notice of Allowance was not timely paid and thus the application can not be withdrawn from issue. In response, Applicant has contacted Ms. Sherry Brinkley and understand that this *Request for Reconsideration* should be filed together with a copy of the PTOL-85B including the *certificate of mailing* and the supporting documents evidencing that it was properly submitted.

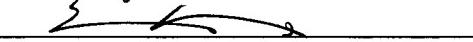
In response, a copy of the PTOL-85B showing the *certificate of mailing* on February 5, 2002 is attached. This document was mailed in normal course from our offices on that date by Ms. Rose Fichtel, secretary to the undersigned. It is believed that this document was processed and mailed on that day as all correspondence bearing a *certificate of mailing* is routinely from our office. Applicant also includes a copy of one-half of a receipt card that was filed with the PTOL-85B that was damaged by the U.S. Postal Service during processing. Although the receipt date isn't clear, it appears that it was received and processed February 10-19, 2002 based on the available information on the receipt card. Applicant now understands from Ms. Brinkley that the issue fee has in fact been received and processed by the Patent Office. Applicant has also

confirmed that the check was processed for payment on February 25, 2002. A copy is attached herewith.

In view of the above, it is believed that the issue fee was timely paid in accordance with the *certificate of mailing* procedures and that the dismissal of the *Petition to Withdraw* as moot should be reconsidered and withdrawn. Applicant respectfully requests that the issue fee transmittal be processed and Applicant's previous request to withdraw this application from issue be reviewed and granted as soon as possible.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

  
Eric J. Robinson  
Reg. No. 38,285

NIXON PEABODY LLP  
8180 Greensboro Drive, Suite 800  
McLean, Virginia 22102  
(703) 790-9110

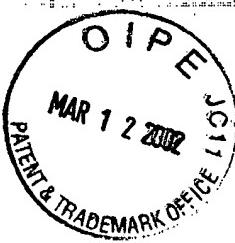
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1. PTOL-85B - Issue Fee Transmittal (2 copies)
2. Certificate of Mailing
3. Check No. \_\_\_\_\_ in the amount of \$1,310 (.)

In re PATENT application of:

SHUNPEI YAMAZAKI et al

Serial No. 09/118,010

Filed: 07/17/1998

Due Date: 02/05/2002

For: SEMICONDUCTOR DEVICE, METHOD OF FABRIC  
DEVICE

Docket: 740756-001838

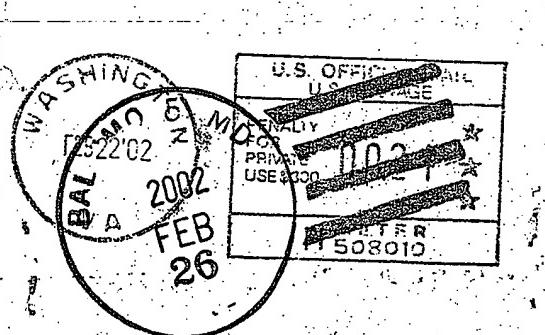
February 5, 2002

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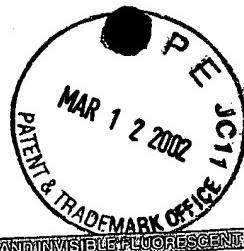
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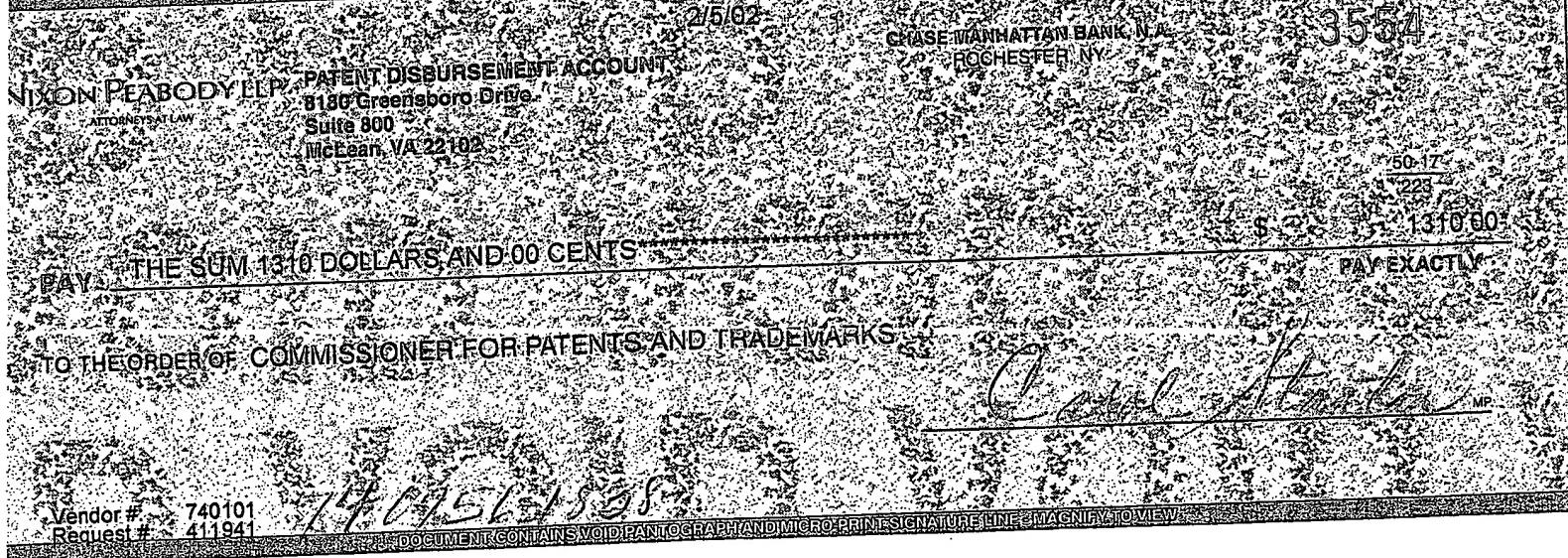


Nixon Peabody LLP  
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In re PATENT application of:

SHUNPEI YAMAZAKI et al  
Serial No. 09/118,010  
Filed: 07/17/1998  
Due Date: 02/05/2002  
For: SEMICONDUCTOR DEVICE, METHOD OF FABRICATING SAME, AND ELECTROOPTICAL  
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1. Request for Reconsideration of Decision on Petition
2. Copy of receipt card
3. Copy of PTOL-85B – Issue Fee Transmittal with certificate of mailing
4. Certificates of Mailing for each of the above

In re PATENT application of:

SHUNPEI YAMAZAKI et al

Serial No. 09/118,010

Filed: 07/17/1998

Due Date: 04/26/2002

For: SEMICONDUCTOR DEVICE, METHOD OF FABRICATING SAME, AND ELECTROOPTICAL DEVICE

Docket: 740756-001838

March 5, 2002

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